REMARKS

Claims 8, 9, and 11-25 are pending in the application. Claims 8, 9, and 11-25 are rejected under 35 USC 102(e) as being anticipated by US patent publication 2002/0184357 A1 (Traversat et al).

Description of claim amendments

Elements of claims 11-13 are added to independent claim 8. Claims 11-13 are canceled.

Elements of claims 19-21 are added to independent claim 16. Claims 19-21 are canceled.

New claims 27 and 30 are supported by paragraphs [0031], [0034], and [0038]. New claims 28 and 31 are supported by paragraphs [0034] and [0035]. New claims 29 and 32 are supported by paragraph [0035].

No new matter is added by these amendments. Claims 8, 9, 14-18, 22-25, and 27-32 are presented for examination.

Response to rejections under 35 USC 102(e):

Examiner cites par. [0097] of Traversat as teaching that one of a plurality of server functionalities is selected for use by using a state information comprising a current utilization level of the server functionalities. However, this is not found. Traversat in par. [0097] and elsewhere teaches an "inherently nondeterministic topology/response structure" in which a response to a resource request may not return for days.

This is nothing like the present invention, in which state information is maintained (par. [0038]: "regular timed update takes place at short intervals of time, because the lists of the available server components also comprise an entry about the current utilization level of each communication component, which utilization level serves as a further criterion for selecting a

particular server component from a plurality of server components."). This provides a deterministic response structure that selects a server based on availability, propagation delay (claims 29 and 32), and cost. The first two of these criteria not only maximize network efficiency but also minimize response time, in contrast to the nondeterministic response structure of Traversat.

Traversat ignores geography and physical boundaries. His peer groups are virtual regions of the network (par. [0081] lines 13-18: "A peer group may be viewed as an abstract region of the network, and may act as a virtual subnet. The concept of a region virtualizes the notion of routers and firewalls, subdividing the network in a self-organizing fashion without respect to actual physical network boundaries.").

In contrast, Applicants take geographical topology and distances into account in optimizing the network (par. [0026] lines 1-5: "In the case of communication connections from the packet-switching communication network VoIP to the circuit-switching communication network ISDN, selecting that gateway (for example on the basis of the location of the called subscriber C1-C3) which has the closest connection to the communication installation S1, S2 to which the desired terminal C1-C3 is connected results in cheaper connection costs." Each peer searches neighboring peers for resources (par. [0031] lines 4-6: "the communication component A1 creates a list of neighboring communication components A2-A4, B3-B6 found in order to speed up subsequent search operations for resources."

The rendezvous nodes of Traversat are located by the resources they index or provide, and not by topology or distance. Thus, a search query can be "propagated" (forwarded) so many times, that it be repeated exponentially. For this reason, a "time-to-live" (timeout) parameter may be included in the query to limit the forwarding (par. [0028] lines 11-21 "Each discovery query message may include a time-to-live (TTL) indicator. TTL's may also help limit the propagation of requests within the network. The TTL may indicate a length of time during which the resource advertisement is valid. The rendezvous nodes receiving the discovery query message may decrement the time-to-live indicator to reflect the current time-to-live. When the TTL expires, the discovery query message may be deleted or invalidated. Thus, Rendezvous

nodes may help prevent exponential propagation of requests within the network by limiting forwarding and by using TTL's.") Note that "propagation" means "forwarding" in Traversat.

In contrast, Applicants (claims 29 and 32) consider "propagation delay" (signal round trip time) of a query response, which is an indication geographic distance and network physical topology. This is an optimizing consideration (par. [0035] lines 1-5 "This list has been sorted according to use-related information, in this case primarily according to the number of available channels on the gateway and only secondarily according to the propagation time for the hit response in the network, which is a measure of the "distance" of this communication component in the packet-switching communication network VoIP.")

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Conclusion

For anticipation under 35 USC 102, a reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as recited in the claim, and the elements must be arranged as required by the claim (MPEP §2131). These criteria are not met for the independent claims and others by Traversat, as argued above. The prior art cannot anticipate the claim if there is any structural difference. (MPEP 2144) Accordingly, Applicants request withdrawal of the 35 USC 102 rejections.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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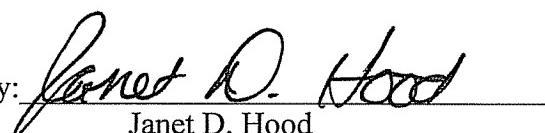
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